

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,
Plaintiff,

V

Case No. 19-20254-01
Honorable Terrence G. Berg

LINDA WARDLOW,
Defendant.

JEFFREY L. EDISON (P25912)
Attorney for Defendant
500 Griswold Street, Suite 2410
Detroit, MI 48226
(313) 964-0400
jelee@ix.netcom.com

RYAN A. PARTICKA
Assistant U.S. Attorney
211 W. Fort Street, Suite 2001
Detroit, MI 48226
(313) 226-9635
ryan.particka@usdoj.gov

**LINDA WARDLOW'S MOTION FOR REDUCTION OF SENTENCE AND
COMPASSIONATE RELEASE**

NOW COMES LINDA WARDLOW, by and through her attorney, Jeffrey L. Edison and in support of her Motion for Reduction of Sentence and Compassionate Release states the following:

1. Linda Wardlow pled guilty to a five (5) count Indictment, wherein, she was charged was charged three counts of Mail Fraud, in violation of 18 U.S.C. § 1341; one count of Theft of Government Funds, in violation of 18 U.S.C. § 641; and one count of SSA Representative Payee Fraud, in violation of 42 U.S.C. § 408(a)(5), of the Indictment.

2. Ms. Wardlow was diagnosed with high blood pressure several years ago, and is prescribed Atenolol and Simvastatin for her symptoms, as noted in her Presentence

Investigation Report and in her Sentencing Memorandum. Presentence Investigation Report, Paragraph 40, Page 8; and, Sentencing Memorandum, ECF No.11, PageID. 41.

3. On January 16, 2020, Ms. Wardlow was sentenced to serve a term of six (6) months imprisonment with the United States Bureau of Prisons.

4. This Court, on March 24, 2020, granted Ms. Wardlow's unopposed Motion to Delay Voluntary Self-Surrender due to the COVID-19 pandemic and ordered that her voluntary self-surrender to FMC Lexington, on April 2, 2020, be delayed to a date on or after July 2, 2020. **Exhibit A.**

5. In June 2020, Ms. Wardlow's pulmonary physician supported Ms. Wardlow's need "to take breaks at work when she has shortness of breath as she has underlying airway disease." **Exhibit B.**

6. Counsel for Ms. Wardlow and the Assistant U.S. Attorney entered a Stipulation, and this Court, on June 15, 2020, ordered that Ms. Wardlow's voluntary self-surrender to FMC Lexington, on July 2, 2020, be delayed to a date on or after October 2, 2020. **Exhibit C.**

7. In September 2020, Ms. Wardlow's pulmonary physician opined that Ms. Wardlow "has emphysematous changes on imaging of her chest and is managed with inhaler therapy." **Exhibit D.**

8. Counsel for Ms. Wardlow and the Assistant U.S. Attorney entered a Second Stipulation, and this Court, on September 18, 2020, ordered that Ms. Wardlow's voluntary self-surrender to FMC Lexington, on October 2, 2020, be delayed to a date on or after January 2, 2021. **Exhibit E.**

9. On January 2, 2021 Ms. Wardlow, who is 70 years old, voluntarily self-surrendered to FMC Lexington to serve her term of six (6) months imprisonment.

10. Ms. Wardlow's release from custody is scheduled for July 2, 2021.

11. Pursuant to 18 U.S.C. § 3582(c)(1)(A)(i), Ms. Wardlow submitted her request for compassionate release to the warden of FMC Lexington, on or about January 5, 2021.

Exhibit F.

12. As of the filing of the present motion, Ms. Wardlow has not received a response to her request for compassionate release, from the warden of FMC Lexington.

13. The ravaging and devastating effects on the United States and the Bureau of Prisons has been well documented since March 2020.

14. The risk for severe illness with COVID-19 increases with age, with older adults at highest risk. As you get older, your risk of being hospitalized for COVID-19 increases. Severe illness means that a person with COVID-19 may require hospitalization, intensive care, or a ventilator to help them breathe. Eight (8) out of ten (10) COVID-19 deaths in the United States have been in adults 65 years old and older. <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/older-adults.html>.

15. Growing data shows a higher risk of COVID-19 infections and complications in people with high blood pressure. Analysis of early data from both China and the U.S. shows that high blood pressure is the most commonly shared pre-existing condition among those hospitalized, affecting between 30% to 50% of the patients. <https://www.webmd.com/lung/coronavirus-high-blood-pressure#1>.

16. Chronic obstructive pulmonary disease (COPD), which includes emphysema, is known to increase your risk of severe illness from COVID-19. <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-with-medical-conditions.html#heart-conditions>.

17. Ms. Wardlow's chronic back, shoulder, and arm pain was reported in her Presentence Investigation Report and was diagnosed with osteoarthritis in her shoulder and knees. Presentence Investigation Report, Paragraph 40, Page 8; and **Exhibit G**.

18. Some people living with arthritis are at greater risk of catching a cold or acquiring viruses, such as the common flu. This is also true in the context of the COVID-19 outbreak. People with osteoarthritis who have risk factors, such as being over 60 years of age or severe underlying co-morbidities, such as diabetes, cardiovascular disease or obesity, should follow ... extra measures to put distance between yourself and other people, including staying home as much as possible and avoiding crowds, especially in poorly ventilated spaces. <https://jointhehealth.org/programs-jhexpress-view.cfm?id=2221&locale=en-CA>.

19. Ms. Wardlow uses ten (10) medications daily to treat her various medical conditions. **Exhibit H**.

20. As reported in the Lexington, Kentucky media, on December 31, 2020, there were nearly 300 active cases among inmates, including five staff at the Federal Medical Center. <https://www.wkyt.com/2020/12/31/nearly-300-active-covid-19-cases-at-lexingtons-fmc/>; and **Exhibit I**.

21. As of this filing, the Federal Bureau of Prisons reports 8 inmates testing positive for COVID-19; 4 staff testing positive for COVID-19; 9 inmate deaths from COVID-19; 740 inmates have recovered from COVID-19; and 73 staff have recovered from COVID-19, at the FMC Lexington. <https://www.bop.gov/coronavirus/>.

22. Ms. Wardlow is a 70-year-old elderly woman who endures multiple serious medical conditions. She does not pose a danger or threat to the safety and security of the public; and there is no likelihood of Ms. Wardlow engaging in any criminal conduct or behavior.

23. Ms. Wardlow will return to live with her daughter in Ferndale, MI upon release from custody.

24. Pursuant to 18 U.S.C. § 3582 (c)(1)(A)(i), this Court may reduce Ms. Wardlow's six (6) month term of imprisonment:

after considering the factors set forth in section 3553(a) to the extent that they are applicable, if it finds that-

(i) extraordinary and compelling reasons warrant such a reduction;

25. Ms. Wardlow is in an environment at FMC Lexington where there are outstanding positive COVID-19 cases among inmates and staff. She is extremely vulnerable to exposure and contracting COVID-19 due to her elderly age, together with her multiple comorbidities.

26. Ms. Wardlow's elderly age and multiple comorbidities constitute extraordinary and compelling reasons to support a reduction of her term of six (6) month imprisonment to time served or home confinement.

27. Counsel sought the government's concurrence in Ms. Wardlow's Motion for Reduction of Sentence and Compassionate Release, and received an email on February 23, 2021, indicating that the government does not concur with the present motion.

WHEREFORE Linda Wardlow prays that this Court grant her Motion for Reduction of Sentence and Compassionate Release.

Respectfully submitted,

/s/ Jeffrey L. Edison

Jeffrey L. Edison (P25912)

Attorney for Linda Wardlow

500 Griswold Street, Suite 2410

Detroit, MI 48226

313.964.0400

jelee@ix.netcom.com

Dated: February 28, 2021

EXHIBIT A

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,
Plaintiff,

V

Case No. 19-20254-01
Honorable Terrence G. Berg

LINDA WARDLOW,
Defendant.

JEFFREY L. EDISON (P25912)
Attorney for Defendant
500 Griswold Street, Suite 2410
Detroit, MI 48226
(313) 964-0400
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RYAN A. PARTICKA
Assistant U.S. Attorney
211 W. Fort Street, Suite 2001
Detroit, MI 48226
(313) 226-9635
ryan.particka@usdoj.gov

ORDER DELAYING VOLUNTARY SELF-SURRENDER

The Court, after considering the unopposed motion by Defendant, and there being good cause shown to delay the date set for voluntary self-surrender in this matter,

IT IS ORDERED THAT Linda Wardlow's voluntary self-surrender to FMC Lexington, 3301 Leestown Rd., Lexington, KY 40511, on April 2, 2020 at 12:00 p.m. noon, is delayed to a date on or after July 2, 2020 as determined by the United States Marshal or Bureau of Prisons.

/s/Terrence G. Berg
TERRENCE G. BERG
UNITED STATES DISTRICT JUDGE

DATED: March 24, 2020

EXHIBIT B



HENRY FORD HEALTH SYSTEM

June 5, 2020

Linda Wardlow
2907 Moon Lake Dr
West Bloomfield MI 48323

Patient: Linda Wardlow
Date of Birth: 6/8/1950
Date of Visit: 6/5/2020

To Whom It May Concern:

It is my medical opinion that Linda Wardlow should be allowed to take breaks at work when she has shortness of breath as she has underlying airway disease.

If you have any questions or concerns, please don't hesitate to call.

Sincerely,


KAMELIA ALBUJOQ, MD

HFMC COLUMBUS PULMONOLOGY
39450 W 12 MILE RD
NOVI MI 48377
Dept: 248-661-6475
Dept Fax: 248-344-2492

EXHIBIT C

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,
Plaintiff,

V

Case No. 19-20254-01
Honorable Terrence G. Berg

LINDA WARDLOW,
Defendant.

JEFFREY L. EDISON (P25912)
Attorney for Defendant
500 Griswold Street, Suite 2410
Detroit, MI 48226
(313) 964-0400
jelee@ix.netcom.com

RYAN A. PARTICKA
Assistant U.S. Attorney
211 W. Fort Street, Suite 2001
Detroit, MI 48226
(313) 226-9635
ryan.particka@usdoj.gov

**STIPULATION AND ORDER TO DELAY
LINDA WARDLOW'S SELF-SURRENDER**

IT IS HEREBY STIPULATED AND AGREED, by and between the parties, through their respective counsel, that Linda Wardlow's voluntarily self-surrender to FMC Lexington, 3301 Leestown Road, Lexington, KY 40511, on July 2, 2020 at 12:00 p.m. noon, be delayed to October 2, 2020 at 12:00 p.m. noon.

/s/ Jeffrey L. Edison
JEFFREY L. EDISON (P25912)
Attorney for Linda Wardlow

/s/ Ryan A. Particka
RYAN A. PARTICKA
Assistant U. S. Attorney

IT IS ORDERED THAT Linda Wardlow's voluntary self-surrender to FMC Lexington, 3301 Leestown Rd., Lexington, KY 40511, on July 2, 2020 at 12:00 p.m. noon, is delayed to a date on or after October 2, 2020 at 12:00 p.m. noon, as determined by the United States Marshal or Bureau of Prisons.

/s/ Terrence G. Berg
TERRENCE G. BERG
UNITED STATES DISTRICT JUDGE

Dated: June 15, 2020

EXHIBIT D



HENRY FORD HEALTH SYSTEM

September 14, 2020

Linda Wardlow
2907 Moon Lake Dr
West Bloomfield MI 48323

Patient: Linda Wardlow
Date of Birth: 6/8/1950
Date of Visit: 9/14/2020

To Whom It May Concern:

Please be advised that Linda Wardlow has emphysematous changes on imaging of her chest and is managed with inhaler therapy.

If you have any questions or concerns, please don't hesitate to call.

Sincerely,

KAMELIA ALBUJOQ, MD

HFMC COLUMBUS PULMONOLOGY
39450 W 12 MILE RD
NOVI MI 48377
Dept: 248-661-6475
Dept Fax: 248-344-2492

EXHIBIT E

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,
Plaintiff,

V

Case No. 19-20254-01
Honorable Terrence G. Berg

LINDA WARDLOW,
Defendant.

JEFFREY L. EDISON (P25912)
Attorney for Defendant
500 Griswold Street, Suite 2410
Detroit, MI 48226
(313) 964-0400
jelee@ix.netcom.com

RYAN A. PARTICKA
Assistant U.S. Attorney
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Detroit, MI 48226
(313) 226-9635
ryan.particka@usdoj.gov

**SECOND STIPULATION AND ORDER TO DELAY
LINDA WARDLOW'S SELF-SURRENDER**

IT IS HEREBY STIPULATED AND AGREED, by and between the parties, through their respective counsel, that Linda Wardlow's voluntarily self-surrender to FMC Lexington, 3301 Leestown Road, Lexington, KY 40511, on October 2, 2020 at 12:00 p.m. noon, be delayed to January 2, 2021 at 12:00 p.m. noon.

/s/ Jeffrey L. Edison
JEFFREY L. EDISON (P25912)
Attorney for Linda Wardlow

/s/ Ryan A. Particka
RYAN A. PARTICKA
Assistant U. S. Attorney

IT IS ORDERED THAT Linda Wardlow's voluntary self-surrender to FMC Lexington, 3301 Leestown Rd., Lexington, KY 40511, on October 2, 2020 at 12:00 p.m. noon, is delayed to a date on or after January 2, 2021 at 12:00 p.m. noon, as determined by the United States Marshal or Bureau of Prisons.

/s/ Terrence G. Berg
TERRENCE G. BERG
UNITED STATES DISTRICT JUDGE

Dated: September 18, 2020

EXHIBIT F

BP-A0148
 JUNE 10

INMATE REQUEST TO STAFF CDFRM

U.S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF PRISONS

TO: (Name and Title of Staff Member)	DATE: 1-5-21
FROM: Linda Wardlow	REGISTER NO. 57474-039
WORK ASSIGNMENT:	UNIT:

SUBJECT: (Briefly state your question or concern and the solution you are requesting. Continue on back, if necessary. Your failure to be specific may result in no action being taken. If necessary, you will be interviewed in order to successfully respond to your request.)

I Am writing this plea seeking COMPASSIONATE release. I have Emphysema of the Lungs- I am having difficulty breathing and shortness of breath. I Can not Lay down and breath without Fighting For Air. I need a minimum of 3 pillows to prop my head up high enough to breath with ease. Having to wear a mask 24/7 due to the COVID19 makes it even harder For breathing. When I Am able to sleep I wake up Fighting For Air and my mouth is completely dry to the point of my throat hurting and Pain in my Lungs or chest area. (continued on back)

(Do not write below this line)

DISPOSITION:

Signature Staff Member	Date
------------------------	------

Record Copy - File; Copy - Inmate

PDF

Prescribed by P5511

This form replaces BP-148.070 dated Oct 86 and BP-S148.070 APR 94

FILE IN SECTION 6 UNLESS APPROPRIATE FOR PERS. FOLDER

SECTION 6

with my age being 70 ~~YEARS~~, I am at greater risk. Having high blood pressure and my body retaining water, also having excruciating joint pain in Neck, Shoulders, Arms, Knees, upper & lower back As well. ~~It is~~ For these reasons that I Am ~~Severe Arthritis~~ humbly ~~pleading~~ pleading For compassionate release. I pray that you will give my circumstances consideration and compassion.

Thank you for taking time to listen.

Sincerely

Renee Maxwell

EXHIBIT G

LINDA D. WARDLOW
CASE# 2:19-cr-20254-TGB-MKM
19-20254-01

DETROIT COMMUNITY HEALTH CONNECTION, INC.

☐ 13901 East Jefferson Ave.
Detroit, MI 48215
(313) 822-0900

☒ 611 Martin Luther King Blvd.
Detroit, MI 48201
(313) 832-6300

☐ Ann Elrington, M.D., PhD.
☐ Anita Cain, M.D.
☐ Norris Polk, M.D.
☐ Leslie Danley, M.D.
☐ Yari Campbell, M.D.

☐ Mayra Troya-Nutt, M.D.
☐ Ronald Supena, M.D.

☒ Christy L. Lawson, MD
NA-1063522506

(313) 832-
8341
Fax

Name: Wardlow, Linda Date: 6-10-19

Address: _____ DOB: 6-8-50

Rx 1	Pt allow this pt to <u>NOT</u> <u>climb, squat, bend, NO</u>	NUMERIC QTY.	WRITTEN QTY.
Rx 2	<u>over head reaching, pulling/pushing ≥ 5-10#</u>	NUMERIC QTY.	WRITTEN QTY.
Rx 3	<u>This will be a permanent restriction.</u>	NUMERIC QTY.	WRITTEN QTY.

Signature: [Signature] Medical Record # _____
MP ☐ DAW _____ DEA # _____

DETROIT COMMUNITY HEALTH CONNECTION, INC.

☐ 13901 East Jefferson Ave.
Detroit, MI 48215
(313) 822-0900

☒ 611 Martin Luther King Blvd.
Detroit, MI 48201
(313) 832-6300

☐ Ann Elrington, M.D., PhD.
☐ Anita Cain, M.D.
☐ Norris Polk, M.D.
☐ Leslie Danley, M.D.
☐ Yari Campbell, M.D.

☐ Mayra Troya-Nutt, M.D.
☐ Ronald Supena, M.D.

☒ Christy L. Lawson, MD
NA-1063522506

fax (313)
832-8341

Name: Wardlow, Linda Date: 6-7-01-19

Address: _____ DOB: 06-8-50

Rx 1	Pt has a hx of <u>chronic</u> <u>arthritis pain due to</u>	NUMERIC QTY.	WRITTEN QTY.
Rx 2	<u>osteo arthritis → shoulder &</u> <u>knees</u>	NUMERIC QTY.	WRITTEN QTY.
Rx 3		NUMERIC QTY.	WRITTEN QTY.

Signature: [Signature] Medical Record # _____
MP ☐ DAW _____ DEA # _____

INMATE # 57474020

EXHIBIT H

Linda D. Wardlow

Case # 2:19-cr-20254-TGB-MKM

Linda's Medications

<u>Name</u>	<u>Strength</u>	<u>Dosage</u>
75/50 TRIAM/HCTZ DIARETIC	75/50 MG TAB	1 DAILY
MELOXICAM FOR PAIN	15 MG	2 TABS BY MOUTH DAILY
ATENOLOL FOR BLOOD PRESSURE	50 MG	1 TAB BY MOUTH DAILY
BETAMETH DIP FOR EXEZEMA	0.05 OIN	APPLY TO BODY DAILY
SIMVASTATIN CHOLESTROL	20 MG	1 TAB DAILY
EUCERIN LOTIN EXTREMELY DRY COMPROMISED SKIN	(PRESCRIPTION)	APPLY TO ENTIRE BODY TWICE DAILY
ALBUTEROL SULFATE HFA INHALATION AEROSOL	90 MCG PER	2 PUFFS EVERY 4 HOURS AS NEEDED
FLUTICASONE PROPIONATE NASAL SPRAY	50 MCG	INHAIL 2 SPRAYS IN EACH NOSTRIL ONCE DAILY AS NEEDED
FEXFENADINE HCL (ALLERGY SYMPTOMS)	180 MG	1 TAB BY MOUTH, ONCE DAILY AS NEEDED
IBUPROFEN	800 MG	EVERY 8 HOURS AS NEEDED FOR PAIN
ASPRIN	81 MG	1 DAILY FOR HEART
VICKS VAPOR INHALER STICK	OTC	EVERY DAY AS NEEDED

IMAGE 574 74039

19-20254-01

EXHIBIT I

Nearly 300 active COVID-19 cases reported at Lexington's FMC



By WKYT News Staff

Published: Dec. 31, 2020 at 11:49 AM EST
gqs7ney.c.2mdn.net...

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,
Plaintiff,

V

Case No. 19-20254-01
Honorable Terrence G. Berg

LINDA WARDLOW,
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**BRIEF IN SUPPORT OF LINDA WARDLOW'S MOTION FOR REDUCTION OF
SENTENCE AND COMPASSIONATE RELEASE**

BACKGROUND

Linda Wardlow incorporates the submissions in her Motion as the procedural and factual basis of her Brief.

ARGUMENT

Ms. Wardlow relies on the statutory mandate articulated in 18 U.S.C. § 3582(c)(1)(A) in support of request for a reduction of her sentence and for compassionate release. The “compassionate release” provision of 18 U.S.C. § 3582 allows district courts to reduce the sentences of incarcerated persons when there are “extraordinary and compelling” reasons to do so. *United States v Jones*, 980 F.3d 1098, 1100 (6th Cir. 2020). An

inmate may file a motion for compassionate release on her own behalf “30 days from the receipt of such a request by the warden of her facility.” 18 U.S.C. § 3582(c)(1)(A).

The Sixth Circuit has instructed district courts to engage in a three-step analysis when considering a compassionate release motion: *First*, consider whether “extraordinary and compelling reasons warrant [a sentence] reduction.” *United States v Elias*, 984 F.3d 516, 518 (6th Cir. 2021) (quoting *Jones*, 980 F.3d at 1101). *Second*, “ensure that such a reduction is consistent with applicable policy statements issued by the Sentencing Commission.” *Id.* *Third*, “consider all relevant sentencing factors listed in 18 U.S.C. § 3553(a).” *Id.* “If each of those requirements are met, the district court ‘may reduce the term of imprisonment,’ but need not do so.” (quoting 18 U.S.C. § 3582(c)(1)(A)).

The policy statement referenced in step two is found in U.S.S.G. § 1B1.13 and presently only applies to motions brought by the Bureau of Prisons, not to inmate-filed motions. *Elias*, 984 F.3d at 519. Thus, when considering inmate-filed motions for compassionate release, “district courts have full discretion’ to determine what reasons are ‘extraordinary and compelling.” *Jones*, 980 F.3d at 1111. 2:11-cr-20699 ECF No. 550, PageID.4170

Ms. Wardlow has complied with the threshold requirement of exhausting her administrative remedies. She filed her request for release to the warden at FMC Lexington on or about January 5, 2021. **Exhibit F.** Ms. Wardlow has not received a response from the warden as of the filing of her present motion.

EXTRAORDINARY AND COMPELLING REASONS

Ms. Wardlow is an elderly 70-year-old with multiple comorbidities. Her medical condition includes treatment for high blood pressure, emphysema, and osteoarthritis. The risk for severe illness with COVID-19 increases with age, with older adults at highest risk. As you get older, your risk of being hospitalized for COVID-19 increases. Severe illness means that a person with COVID-19 may require hospitalization, intensive care, or a ventilator to help them breathe. Eight (8) out of ten (10) COVID-19 deaths in the

United States have been in adults 65 years old and older.

<https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/older-adults.html>.

Growing data shows a higher risk of COVID-19 infections and complications in people with high blood pressure. Analysis of early data from both China and the U.S. shows that high blood pressure is the most commonly shared pre-existing condition among those hospitalized, affecting between 30% to 50% of the patients.

<https://www.webmd.com/lung/coronavirus-high-blood-pressure#1>.

Chronic obstructive pulmonary disease (COPD), which includes emphysema, is known to increase your risk of severe illness from COVID-19.

<https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-with-medical-conditions.html#heart-conditions>.

Ms. Wardlow's chronic back, shoulder, and arm pain was reported in her Presentence Investigation Report and was diagnosed with osteoarthritis in her shoulder and knees. Presentence Investigation Report, Paragraph 40, Page 8; and **Exhibit G**.

Some people living with arthritis are at greater risk of catching a cold or acquiring viruses, such as the common flu. This is also true in the context of the COVID-19 outbreak. People with osteoarthritis who have risk factors, such as being over 60 years of age or severe underlying co-morbidities, such as diabetes, cardiovascular disease or obesity, should follow ... extra measures to put distance between yourself and other people, including staying home as much as possible and avoiding crowds, especially in poorly

ventilated spaces. <https://jointhehealth.org/programs-jhexpress-view.cfm?id=2221&locale=en-CA>.

Ms. Wardlow uses ten (10) medications daily to treat her various medical conditions. **Exhibit H**.

The FMC Lexington is an institutional environment that sustains outstanding positive COVID-19 cases among inmates and staff. As reported in recent Lexington, Kentucky media, on December 31, 2020, there were nearly 300 active cases among inmates, including five staff at the Federal Medical Center. <https://www.wkyt.com/2020/12/31/nearly-300-active-covid-19-cases-at-lexingtons-fmc/>; and **Exhibit I**. As of this filing, the Federal Bureau of Prisons reports 8 inmates testing positive for COVID-19; 4 staff testing positive for COVID-19; 9 inmate deaths from COVID-19; 740 inmates have recovered from COVID-19; and 73 staff have recovered from COVID-19, at the FMC Lexington. <https://www.bop.gov/coronavirus/>.

Ms. Wardlow is extremely vulnerable to exposure and contracting COVID-19 due to her elderly age, together with her multiple comorbidities, and the environment at FMC Lexington.

These reported facts and circumstances corroborate a finding of extraordinary and compelling reasons in support of Ms. Wardlow's reduction of sentence and compassionate release.

18 U.S.C. § 3553(a) FACTORS

This Court must also consider 18 U.S.C. § 3553(a) factors to the extent that they are relevant to resolving Ms. Wardlow's request for reduction of sentence and compassionate

release. Ms. Wardlow relies on this Court's initial assessment of the section 3553(a) factors at the time of her sentence on January 16, 2020, when it imposed a six (6) months term of imprisonment. Such assessment, of course, was made prior to the advent of the COVID-19 pandemic and its devastating physical and emotional trauma on communities across this country and the world.

The only material condition for Ms. Wardlow that has changed from January 16, 2020 to present, is her incarceration at FMC Lexington. She is a year older with the same multiple comorbidities. Ms. Wardlow remains a nonthreat to the security and safety of the community. There is no indication or likelihood that Ms. Wardlow will participate in any form of criminal activity. Upon her release, Ms. Wardlow will reside with her daughter, who she lived with prior to her incarceration.

The six (6) months term of imprisonment was imposed to serve as a deterrent to others and as punishment for Ms. Wardlow's conduct and behavior. Ms. Wardlow has completed one-third of her term of imprisonment. Ms. Wardlow's continued incarceration enhances her vulnerability to the increasingly infectious and dangerously fatal COVID-19 coronavirus. The emotional stress and fear of being infected with COVID-19, while incarcerated at FMC Lexington, is immeasurable. Ms. Wardlow's physical and emotional wellbeing, under current conditions, must have priority over the need to complete the three (3) to four (4) months of incarceration that remain on her sentence.

CONCLUSION

Based on the foregoing discussion, Ms. Wardlow has sufficiently complied with the requirements set forth in 18 U.S.C. § 3582(c)(1)(A)(i). Accordingly, Linda Wardlow urges this Court to grant her Motion for Reduction of Sentence and Compassionate Release.

Respectfully submitted,

/s/ Jeffrey L. Edison

Jeffrey L. Edison (P25912)
Attorney for Linda Wardlow
500 Griswold Street, Suite 2410
Detroit, MI 48226
313.964.0400
jelee@ix.netcom.com

Dated: February 28, 2021

CERTIFICATE OF SERVICE

I certify that on February 28, 2021, I electronically filed the foregoing document with the Clerk of the Court using the ECF system, which will send notification of such filing to Ryan A. Particka, Assistant U. S. Attorney.

/s/ Jeffrey L. Edison

Jeffrey L. Edison (P25912)